

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

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|---|---|-----------|
| CORNHUSKER ENERGY LEXINGTON LLC, a Nevada Limited Liability Co., |) | |
| |) | |
| Plaintiff, |) | 8:04CV586 |
| |) | |
| vs. |) | ORDER |
| |) | |
| PROSPECT STREET VENTURES, |) | |
| |) | |
| Defendant. |) | |
| |) | |
| |) | |
| CORNHUSKER ENERGY LEXINGTON LLC, a Nevada Limited Liability Co., |) | |
| |) | |
| |) | |
| Plaintiff, |) | 8:05CV55 |
| |) | |
| vs. |) | ORDER |
| |) | |
| THOMAS I. APPERSON, et al., |) | |
| |) | |
| Defendants. |) | |

This matter is before the court on the plaintiff's Motion to Consolidate Discovery (Filing No. 65 in case number 8:04CV586 and Filing No. 38 in case number 8:05CV55). The court held a telephone conference with counsel for all parties on January 23, 2006. The plaintiff seeks to consolidate the above captioned cases for the purpose of discovery. During the conference, it became apparent that the parties intended the use of various depositions or other discovery in both cases rather than a consolidation of the progression orders in both cases. Accordingly, the motions to consolidate discovery (Filing No. 65 in case number 8:04CV586 and Filing No. 38 in case number 8:05CV55) are denied. The parties may file a stipulation regarding the use in both cases of depositions or other discovery obtained in either case.

IT IS SO ORDERED.

Dated this 23rd day of January, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge